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## Illegal Immigration: A Continuing Issue for the 1980s

Vernon M. Briggs Jr

*Cornell University ILR School, vmb2@cornell.edu*

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## Illegal Immigration: A Continuing Issue for the 1980s

### Abstract

[Excerpt] Illegal immigration is not simply a matter of mounting numbers of individuals occupying American turf. Illegal immigrants compete for employment and income opportunities with citizen workers, usually low-wage-earning minorities, women, and youth. Equally disturbing is the creation and institutionalization of a permanent subclass of rightless persons within American society that unauthorized residence here fosters. What follows is a discussion of the issue of illegal immigration, its causes, its social and economic ramifications and the need for a multifaceted, comprehensive policy. It is only through such a complete policy that we can hope to control the problem.

### Keywords

illegal immigration, migration, public policy, welfare, poverty

### Disciplines

Immigration Law | Labor Relations | Public Policy

### Comments

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# Illegal Immigration: A Continuing Issue for the 1980s

By Vernon M. Briggs, Jr.

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Concern about illegal immigration into the United States dates back to the 1880s, when the American government first tried to regulate the entry of newcomers. Only since the 1960s, however, have the effects of illegal immigration made it a significant national issue.

Our government now catches more than one million illegal immigrants a year, but a far greater number of both new immigrants and established illegal residents go unapprehended. All told, we have anywhere from three to twelve million persons (most likely, between six and eight million) living in our country illegally. It is obvious that the existing immigration policy of the nation is in shambles.

Illegal immigration is not simply a matter of mounting numbers of individuals occupying American turf. Illegal immigrants compete for employment and income opportunities with citizen workers, usually low-wage-earning minorities, women, and youth. Equally disturbing is the creation and institutionalization of a permanent subclass of rightless persons within American society that unauthorized residence here fosters.

During the late 1960s and early 1970s, numerous commission reports, congressional hearings and academic writings detailed both the rising number of illegal immigrants and the insidious effects illegal immigration has on our society. These probes helped to spur a movement for reform of the existing immigration system. In August, 1977, the Carter Administration proposed a comprehensive set of reforms. Rather than heeding the President's urgent request for action, the Congress responded in 1978 by establishing the Select Commission on Immigration and Refugee Policy to study all aspects of the immigration issue (i.e., legal immigration, illegal immigration and refugees).

*This past February, the Select Commission on Immigration and Refugee Policy released to Congress its report on the scope and effects of illegal immigration into the United States. Included were recommendations for changes in programs and policies for controlling immigration.*

*In the following article, Vernon M. Briggs, Jr., professor of Labor Economics and Human Resource Studies at Cornell University, argues that the effects of a burgeoning illegal alien population on our economy and society are so great that only a comprehensive and vigorously enforced program of policy reforms would be effective in addressing the problem.*

*Dr. Briggs holds a Ph.D. in Labor Economics from Michigan State University. While teaching at the University of Texas from 1964 to 1978, he studied illegal immigration in the Southwest and co-authored three books on the subject, including **Employment, Income and Welfare in the Rural South**. Dr. Briggs is a member of the National Council on Employment Policy.*

The commission's report, released this February, effectively summarizes the component issues of the immigration crisis and should provide a foundation for appropriate legislative reforms, if lawmakers in Washington appreciate the scope of the problem and the urgency of formulating a constructive response. On the whole, the commission has taken a strong position on reform.

What follows is a discussion of the issue of illegal immigration, its causes, its social and economic ramifications and the need for a multifaceted, comprehensive policy. It is only through such a complete policy that we can hope to control the problem.

### **"Push" and "Pull" Factors**

A complex set of factors is responsible for the growth of illegal immigration. Masses of people — especially those in Mexico and the Caribbean area — leave their homelands for an unknown land under the force of both "push" and "pull" pressures. Major "push" factors include overpopulation, widespread poverty and high unemployment in the homeland. Also of increasing significance are the pervasive structural changes occurring in the economies of many underdeveloped nations. Technological developments, leading to the substitution of capital-intensive for labor-intensive means of production, have, in turn, caused extensive worker displacement.

Likewise, there are strong economic "pull" factors emanating from the United States. Relatively higher wages and a broader array of job opportunities within the American economy are powerful human magnets.

Many of these job and wage opportunities exist because pragmatic American employers are all too willing to tap the pool of scared, dependent alien workers. Prevailing immigration law does not penalize those who employ illegal aliens. The "Texas proviso," added to the Immigration and Nationality Act of 1952 to reflect the interest of southwestern employers, specifically exempts those who employ aliens from the crime of harboring.

Other elements of U.S. policy and programs amount to a passive resistance to illegal immigration. Policies and programs that are of such little force serve, in turn, as "pull" factors to illegal entrants.

For example, in contrast to many other industrialized countries, the United States does not require work permits to identify those eligible to work. Lacking such permits, the social security number

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remains the minimal requirement for employment. Social security cards are easily counterfeited and sold to aliens and, because no effort is made to check births against deaths, copies of citizen birth certificates can easily be used to lend apparent authenticity to counterfeit social security cards.

Even the consequences of apprehension are essentially passive. Of those illegal aliens who are apprehended here, 95 percent are given a "voluntary departure." They are simply returned to their homeland as quickly as possible and often at government expense. Any law under which nearly all violators are neither punished nor barred from future entry can hardly function as a deterrent.

Moreover, the Immigration and Naturalization Service (INS) of the U.S. Department of Justice, which is responsible for enforcing immigration statutes, has a force and budget totally disproportionate to the task of controlling illegal entry. As of 1978, there were 2,036 border patrol officers and another 900 inland investigators. With only a fraction of these on duty during any given eight-hour shift, it is unlikely enforcement or control could ever be attained.

### **The Irrelevance of Head Counts**

Just how many non-citizens are living in our country illegally? Because we're talking about an illegal act, precise counts will never be available. The only figures we have pertain to apprehensions, and they are suspect due to numerous duplications. The staggering increase in apprehensions over the past decade, executed with virtually no increase in enforcement capacity, does indicate convincingly, however, that illegal entry is a growing problem.

But to divert discussion of illegal immigration by debating the actual numbers would be a mistake. It makes little difference whether the stock of illegal immigrants is three, six, nine or twelve million — or more. The precise number is irrelevant if one concedes, as indicated by all available research, that the number of persons involved is substantial and that it is increasing. The problem is real and it will worsen in the near future.

Policy formation could also be misdirected if we assume that most illegal aliens are Mexicans. Actually, Mexicans account for no more than half the annual flow of illegal aliens into the country. In his 1977 message on immigration, President Carter reported that at least

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60 countries are significant, regular source nations.

The major difference between illegal immigrants from Mexico and those from other countries is their method of entry. Mexicans simply walk, climb or are driven over the border. They enter without formal documents of any kind. Illegal immigrants from other countries usually enter legally, with documents, as students, tourists, visitors or crewmen, but do not leave when their visas expire. The method of control in the two cases would be different, but the need for it is equally pressing.

### **Effects on Labor**

Research shows the number one reason that illegal immigrants come here is to find jobs. The evidence also indicates that they are largely successful in their quest.

Some of the jobs are substandard. Employers often take advantage of people who are grateful for anything they receive. Those illegal immigrants who work under exploitive conditions take jobs that most of our citizens would not tolerate, so they are not taking food off a citizen's table per se. Yet this is certainly no excuse for allowing their mistreatment to continue, nor is it reason to condone the existence of explicitly illegal job classes. If it is legally *and morally* wrong for citizens to work under unfair conditions, it is also wrong for illegal aliens to do so.

The vast majority of illegal aliens are *not* working under substandard conditions. They typically occupy low-wage jobs, at or slightly above the federal minimum wage — jobs for which millions of unemployed citizens would qualify.

Besides taking individual jobs from citizens, illegal aliens in this sector allow wages in service and some blue collar industries to remain depressed. Aliens are frequent winners of job competition because they are willing to work for lower pay, longer hours, and under more arbitrary conditions than most citizens will accept. Thus, those who employ illegal aliens create a self-fulfilling prophecy when they hire aliens at minimum wages and under unattractive conditions and then argue that there are no citizen workers who want the jobs.

Illegal immigrants also have a displacement effect each time they take a better paying job in the trades or professions. They are often "preferred workers" because they are less likely to join unions, or to

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complain about denial of equal employment opportunities, or to make other strong demands upon employers.

### **The Rightless Subclass**

Aside from the obvious adverse effects of illegal aliens on employment and income opportunities for citizen workers, there are other serious long-run consequences. The nation is rapidly accumulating a growing subclass of truly rightless persons and is institutionalizing their deprived status. Although technically able to avail themselves of many legal and civil rights and protections, few illegal aliens feel free to do so. They also are excluded from much of the basic social legislation in this nation that might maintain their quality of life at humane levels, above the lure of crime. At the federal level, illegal aliens are ineligible for Supplemental Security Income, Medicaid and Aid to Families with Dependent Children. In many states, they are excluded from unemployment compensation programs. In some instances, efforts have been made to keep the children of illegal immigrants from attending public schools if they don't pay prohibitive tuitions. Illegal aliens are denied the right to vote. They are excluded from the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964.

Certainly the growth of a subclass of rightless illegal aliens is in no one's long-term interest. No one represents them in government. No one protects their well-being. It is a time bomb. The adults may be grateful for the opportunities provided them, but it is certain that their children will not — and should not — share this tolerance.

Over the past two centuries, the United States has slowly developed countless laws, programs and institutions to reduce human cruelty and economic uncertainty for its citizens. Illegal alien residents, however, have no effective political, legal or employment protections. They live in constant fear of being detected. They work in the most competitive and least unionized sectors of the economy. They are the easy, hapless victims of criminal elements. It would be self-deceptive to believe that this situation could continue without eventual dire consequences.

### **The Need for Immigration Reform**

Surely, an immigration control system that allows problems of labor and liberty to persist is inadequate. The current system is ineffective primarily because its

**The nation is rapidly accumulating a growing subclass of truly rightless persons and is institutionalizing their deprived status.**

elements are unenforceable. A number of policy changes are required.

One unacceptable option would be to abolish the immigration statute altogether and let labor supply pressures and market forces reach a level of international equilibrium that would eliminate the "pull" factors. But it would take many years and numerous crises, including an intolerable expansion of the nation's poverty class, before wages, work standards and employment opportunities equalized.

The appropriate course of action is to adopt comprehensive immigration laws that are effective in achieving national policy objectives which address the key issues of labor supply and social standards. In drafting this program, we must remember that in a free society, illegal immigration cannot be totally stopped. There will be no consensus for a "Berlin wall in reverse," designed to keep people out rather than in. The best we can hope for is to bring the immigration problem within manageable proportions.

The mandatory first step is to pass a federal law forbidding the employment of illegal aliens. Such bills cleared the U.S. House of Representatives in 1972 and 1974 only to die in a committee of the Senate.

This law is essential because it will significantly reduce the "pulling power" that the promise of plenty presents to foreigners. Strong civil penalties for first offenders should be assessed and, perhaps, criminal penalties should be set for repeat offenders.

The obvious next step is to help potential employers determine whether a job applicant is a citizen or not. A simple query is hardly sufficient. With fraudulent documents easily accessible, simply requiring any standard means of identification is not enough. The only answer is to issue to the entire population noncounterfeitable and unalterable social security cards. Through the use of special codes already developed by cryptographers and computer experts, such social security cards would allow easy verification of the citizenship of any would-be employee.

In a sense, this would create the equivalent of a work permit system in our country. Work permits are used in many free nations of the world. It is true that authoritarian governments also use them as a means of depriving citizens of civil liberties. But the social security card already is a condition of employment for

**The mandatory first step in reform is to pass a federal law forbidding the employment of illegal aliens.**



virtually everyone. Like it or not, the social security number has already become a national identification system. It is used as a student number on many campuses; it is used as the driver's license number in many states; it is used by the Internal Revenue Service to identify taxpayers; and it is the serial number of all people in the military. It is absurd to worry about the effects of a work permit system when its fundamental element already exists. The only remaining tasks are to make social security cards noncounterfeitable and to establish a system for checking whether the bearer of the card is legally entitled to have it.

### **Better Enforcement**

The need to enlarge significantly the number of INS enforcement officials is obvious. As long as this staff is smaller than the Capitol Hill police force that protects Congress and the White House, there is absolutely no way that even the current statutes can be enforced. A substantial increase in the number of INS enforcement officers would be by far the most effective short-run deterrent.

It is essential that the INS rely less on the voluntary departure system. The policy position that illegal aliens are unwanted guests can never be taken seriously outside the country as long as there is virtually no chance of any penalty being imposed on offenders. Until we can identify all illegal aliens as those without social security cards, keep records of illegal aliens apprehended, and subject repeat offenders to formal deportation (which would permanently preclude those individuals from ever becoming legal immigrants), there is no reason for illegal aliens to hesitate when considering entry. The alien has nothing to lose.

More reliance on legal procedures, such as formal deportation, will be costly and time consuming and also will necessitate an increase in the INS budget. But these costs, as well as expenses related to the acquisition of more detection and identification systems, must be weighed against the aforementioned costs of allowing this problem to continue to grow. It will be far less costly to assume a strong posture of prevention than to respond to the resulting social problems after they accumulate.

### **The Role of International Investment**

International policies must be part of any program

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designed to reduce the flow of illegal immigrants. These must address the "push" factors by giving economic development assistance to our hemispheric neighbors of Mexico and the Caribbean countries. We should offer both technical and financial assistance, perhaps most appropriately through established multinational agencies such as the World Bank, The International Monetary Fund, or the United Nations. We also should consider tariff concessions to Mexico and the Caribbean nations that are often net debtor nations to the United States. This would encourage trade and would enable them to provide more job opportunities for their own populations, producing material for export to the U.S.

In the case of Mexico specifically, economic assistance and tariff concessions are particularly appropriate. In the past, we have encouraged the employment of migrant Mexican aliens in the Southwest. We have helped institutionalize the illegal alien migration process. To compensate, we should help Mexico retain its productive labor force within its boundaries by helping develop an industrial base along the border and inside Mexico.

It is also appropriate to at least double the annual quota for legal immigration from Mexico. In 1977, the same 20,000-person quota applied to all other countries was arbitrarily assigned to our southern neighbor. For the ten years prior to 1977, roughly 50,000 immigrants per year were welcomed. Although some ceiling is necessary, Mexico deserves continued special treatment for economic, social and political reasons. The number of Mexicans expected to enter the country will remain high in the future because of the sharp difference in economic and quality of life factors along the lengthy southern border of the United States. Keeping the quota arbitrarily low leaves potential entrants little choice but to cross the border illegally.

### **A New Amnesty**

The often tolerant and generally ineffective immigration control program of the past has allowed millions of aliens to settle in the United States illegally. It is unrealistic to believe that any roundup of all the aliens who have established lives here with their families could be accomplished without serious hardship and much ill will. As important as is the goal of ridding the labor market of illegal aliens, the process of doing so should not be contrary to basic humanitarian values.

Therefore, the final step in establishing a new immigration policy should be to grant general amnesty to all illegal aliens who have been in the country as of some past date, provided they register with the INS within an established grace period and that they have no record of criminal activity.

The optimal past date would be January 1, 1973, because it was then that amendments to the Social Security Act required applicants for social security cards to offer proof of citizenship. However, because so many illegal aliens have entered the country since then, ridding the country of so many people might prove difficult.

Certainly, the effective amnesty date could not be set in the future because that could trigger a massive wave of illegal immigrants seeking to enter before the deadline.

A reasonable, though arbitrary, past date would be January 1, 1980.

There is precedent for such an amnesty. In 1965, amnesty was granted for all illegal aliens living in the United States prior to 1948. This time, however, it must be made clear that there will never be another amnesty; enforceable laws that effectively control the influx of illegal entrants would obviate the need for one.

### **Political Considerations**

The barriers to immigration reform are purely political. The immigration problem is so complex that only a full, multi-element program, as outlined here, offers hope for a solution. Unfortunately, comprehensive solutions run counter to the American political system, under which congressional and executive branch decision-making units are fragmented. The only way to enact sweeping policy reform is to develop a strong coalition of supporters who are unified in their purpose.

This is definitely not the present situation in the United States. At this juncture, there is no indication that any new reform group has built the necessary base of support for the drafting and passage of new legislation. Resolution of the illegal immigration issue will require a determination by our government to force changes internally upon a number of powerful groups — those who prey upon the masses of aliens — who benefit in the short run from leaving things exactly as they are.

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**If the public learns of the insidious effects of illegal immigration and recognizes that each citizen has a personal stake in terms of economics and social order, sufficient pressure might be brought to bear on our lawmakers to initiate reforms.**

Perhaps the report of the Select Commission on Immigration and Refugee Policy and the publicity and analyses that accompany it will stimulate the public awareness needed to initiate meaningful changes in the current immigration laws and control systems. If the public learns of the insidious effects of illegal immigration and recognizes that each citizen has a personal stake in terms of economics and social order, sufficient pressure might be brought to bear on our lawmakers to initiate reforms.

My fear is that this is one policy area in which we can hope for little more than increasing amounts of research to study the obvious. There will be more congressional hearings to give the illusion that someone actually cares about reform. But as the old adage says, "after all is said and done, more is said than done."

As long as this problem remains in that stage, as each day passes that illegal aliens retain their unwritten permission to work and more rightless people enter our society, the price tag for inaction goes up. This is not an issue we can afford to ignore much longer.